

## **REMARKS AND ARGUMENTS**

Reconsideration of the application in view of this Response and the following remarks is respectfully requested.

This Response amends claims 33, 39, 41, 64, 70, and 73; cancels claims 37-38 and 68-69; and adds claims 78-81. Claims 33-36, 39-41, 64-67, 70-71 and 73-81 are pending in this application. No new matter has been added.

### **Priority**

Certified copies of the priority documents have been transmitted to the United States Patent and Trademark Office via U.S. First Class mail on May 28, 2009.

### **Allowed Claims**

Applicant acknowledges the Examiner's allowance of claims 74-77.

### **Allowable Subject Matter**

Claims 33, 39, 41, 64, 70, and 73 have been amended to place them in condition for allowance.

Independent claim 33 has been amended to incorporate the limitations of claims 37 and 38. Claims 39 and 73 have been amended to depend directly from claim 33. Dependent claims 34-36, 39-40, 73, and 78 depend directly from and contain all the limitation of independent claim 33 as amended herein. Therefore, dependent claims 34-36, 39-40, 73, and 78 are also patentably distinct for at least the same reasons as that of independent claim 33.

Independent claim 41 has been amended to incorporate the limitations of claims 33 and 37. Dependent claims 79-81 depend directly from and contain all the limitation of independent claim 41 as amended herein. Therefore, dependent claims 79-81 are also patentably distinct for at least the same reasons as that of independent claim 41.

Independent claim 64 has been amended to incorporate the limitations of claims 68 and 69. Claim 70 has been amended to depend directly from claim 64. Dependent claims 65-67 and 70-71 depend directly from and contain all the limitation of independent claim 64 as amended herein. Therefore, dependent claims 65-67 and 70-71 are also patentably distinct for at least the same reasons as that of independent claim 64.

Claims 37-38 and 68-69 have been canceled.

#### New Claims

Claim 78 depends from independent claim 33 and includes the further limitation of:

wherein pressure is applied to said area of the body by the device subjecting the body to said cycloidal mechanical vibrations, and wherein said pressure is applied by the pad through application of said pressure applying means such as to increase the area of the body subject to pressure in excess of 10 mm Hg by at least 25% of the area of the body subject to pressure in excess of 10 mm Hg without application of said pressure applying means.

Support for this addition may be found in the specification at page 5, lines 14-18. Claim 78 depends from and contains all the limitations of independent claim 33 as amended herein. Therefore, dependent claim 78 is also patentably distinct for at least the same reasons as that of independent claim 33.

Claim 79 depends from independent claim 41 and includes the further limitation of:

wherein pressure is applied to said area of the body by the device subjecting the body to said cycloidal mechanical vibrations, and wherein said pressure is applied by the pad through application of said pressure applying means such as to increase the area of the body subject to pressure in excess of 10 mm Hg by at least 50% of the area of the body subject to pressure in excess of 10 mm Hg without application of said pressure applying means.

Support for this addition may be found in the specification at page 5, lines 14-18. Claim 79 depends from and contains all the limitations of independent claim 41 as amended herein. Therefore, dependent claim 79 is also patentably distinct for at least the same reasons as that of independent claim 41.

Claim 80 depends from independent claim 41 and includes the further limitation of:

wherein said vibrations have components in three orthogonal directions, said frequency being the same or different in each direction, and said amplitude being the same or different in each direction.

Support for this addition may be found in the specification at page 4, line 22 through page 5, line 1. Claim 80 depends from and contains all the limitations of independent claim 41 as amended herein. Therefore, dependent claim 80 is also patentably distinct for at least the same reasons as that of independent claim 41.

Claim 81 depends from independent claim 41 and includes the further limitation of:

wherein the device delivers vibrations in the leg of the patient at a frequency of about 30 Hz, and with an RMS acceleration in the axial direction of the tibial or fibular bone of about 10 ms<sup>-2</sup>, and in a radial plane with respect to the tibial or fibular bone with an RMS acceleration of between 2 and 5 ms<sup>-2</sup>.

Support for this addition may be found in the specification at page 7, lines 12-15. Claim 81 depends from and contains all the limitations of independent claim 41 as amended herein. Therefore, dependent claim 81 is also patentably distinct for at least the same reasons as that of independent claim 41.

### Conclusion

Applicant has made an earnest attempt to place this application in condition for allowance. For at least the reasons stated above, and for other reasons clearly apparent, Applicant respectfully requests full allowance of the claims as presented herein.

Reconsideration of this application in view of this amendment and response is therefore respectfully requested.

Applicant respectfully requests an opportunity to discuss this application with the Examiner upon review of this response in order to discuss any outstanding issues presented.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 11-0307

Respectfully submitted,

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